

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

23 cr. 255 (HG)

JIAN AI CHEN

Defendant.

MS. JIAN AI CHEN'S SENTENCING MEMORANDUM

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TABLE OF CONTENTS

PRELIMINARY STATEMENT	1
THE COURT SHOULD IMPOSE PROBATION BECAUSE SUCH A SENTENCE IS SUFFICIENT, BUT NOT GREATER THAN NECESSARY TO COMPORT WITH THE PURPOSES OF §3553(a)(2).....	2
A. §3553(a)(1): The Court Should Impose A Sentence Of Probation Based On The Nature And Circumstances Of Ms. Chen’s Offense And Her History And Characteristics	2
1. Ms. Chen had no prior criminal record, presents a low risk of recidivism, and is no threat to anyone	3
2. Ms. Chen showed her respect for the judicial process in that she hired new counsel after learning that her prior counsel did not properly advise her— resulting in the withdrawal of her original plea and a plea to this indictment	4
B. Under §3553(a)(2) Probation Sufficiently 1) Reflects The Seriousness Of The Offense, Promotes Respect For The Law, And Provides Just Punishment For The Offense; 2) Affords Adequate Deterrence To Others Similarly Situated; 3) Protects The Public From Further Crimes By Ms. Chen; And 4) Provides Ms. Chen With The Needed Correctional Treatment—Time With Her Family And Support Network	5
<u>1.</u> Ms. Chen faced undue hardship, including childhood abuse; despite this, Ms. Chen, with the exception of her involvement here, led a law-abiding life, and continues to lead a law-abiding life while providing for her children	5
2. Ms. Chen has been consistently employed	7
3. Ms. Chen is a dedicated single mother and primary caretaker to her 20- year-old, pregnant daughter, Beverly, who suffers from a severe mental	

health disorder—Probation has written that the Court can consider this fact as a downward departure basis—we ask the Court to do so.....	7
4. Ms. Chen herself suffers from several physical and mental health conditions which could not be adequately treated while incarcerated.....	8
5. Ms. Chen uses her healthcare background, along with her natural compassion, to help many.....	9
6. Ms. Chen’s work as a healthcare professional led her to help many others during the Covid-19 pandemic, including supporting the first Covid-19 testing center at the New York Stock Exchange.....	11
7. Ms. Chen’s impact on her community is demonstrated by the 14 attached support letters.....	14
8. Ms. Chen has demonstrated significant remorse since her conviction	18
9. A non-carceral probation sentence will provide sufficient deterrence	19
CONCLUSION	20
EXHIBIT LIST	21

TABLE OF AUTHORITIES

Statutes

§3553(a)(1).....	2
§3553(a)(2).....	2
§3553(a)(2)(A)	2
§3553(a)(2)(B)	2
§3553(a)(2)(C)	2
§3553(a)(2)(D)	2

PRELIMINARY STATEMENT

Through counsel, Ms. Chen respectfully submits this letter to assist the Court in determining an appropriate sentence. The proper sentence for Ms. Chen—a first-time offender of a non-violent crime—is a below guidelines, non-carceral probation sentence. Such a sentence comports with 18 USC §3553(a) objectives.

In support of our request for a non-carceral probation sentence, we ask the Court to consider Ms. Chen’s history and character as well as the nature and circumstances of the conviction. Specifically, we respectfully request the Court consider the following:

1. Ms. Chen had no prior criminal record, presents a low risk of recidivism, and is no threat to anyone;
2. Ms. Chen showed her respect for the judicial process in that she hired new counsel after learning that her prior counsel did not properly advise her—resulting in the withdrawal of her original plea and a plea to this indictment;
3. Ms. Chen faced undue hardship, including childhood abuse; despite this, Ms. Chen, with the exception of her involvement here, led a law-abiding life, and continues to lead a law-abiding life while providing for her children;
4. Ms. Chen has been consistently employed;
5. Ms. Chen is a dedicated single mother and primary caretaker to her 20-year-old, pregnant daughter, Beverly, who suffers from a severe mental health disorder—Probation has written that the Court can consider this fact as a downward departure basis—we ask the Court to do so;
6. Ms. Chen herself suffers from several physical and mental health conditions which could not be adequately treated while incarcerated;
7. Ms. Chen uses her healthcare background, along with her natural compassion, to help many;

8. Ms. Chen's work as a healthcare professional led her to help many others during the Covid-19 pandemic, including supporting the first Covid-19 testing center at the New York Stock Exchange;
9. Ms. Chen's impact on her community is demonstrated by the 14 attached support letters;
10. Ms. Chen has demonstrated significant remorse since her conviction; and
11. A non-carceral probation sentence will provide sufficient deterrence.

THE COURT SHOULD IMPOSE PROBATION BECAUSE SUCH A SENTENCE IS SUFFICIENT, BUT NOT GREATER THAN NECESSARY TO COMPORT WITH THE PURPOSES OF §3553(a)(2)

The Court should sentence Ms. Chen to probation because, in this case, such a ruling is sufficient, but not greater than necessary. First, the Court should impose probation based on the nature and circumstances of Ms. Chen's offense, as well as her history and characteristics. Next, under §3553(a)(2)(A), probation sufficiently reflects the seriousness of the offense, promotes respect for the law, and provides just punishment for the offense. Thus, under §3553(a)(2)(B), such a sentence is sufficient to afford adequate deterrence to others similarly situated. Furthermore, under §3553(a)(2)(C), such a sentence sufficiently protects the public as Ms. Chen will be monitored for the next five years. Finally, under §3553(a)(2)(D), such a sentence can include programs that sufficiently provide Ms. Chen with correctional treatment this Court sees fit.

Probation has calculated a Guidelines range of 51 months to 63 months—the Court, however, should reject this. *See* PSR, page 18. Probation's range is based on an adjusted offense level of 24 and Criminal History Category I. The Court should reject the Guidelines range because it is far greater than necessary to promote the goals of sentencing in this case. The Guidelines fail to account for Ms. Chen's low risk of recidivism, her own health issues, her family dynamics, and her contributions to her community.

A. §3553(a)(1): The Court Should Impose A Sentence Of Probation Based On The Nature And Circumstances Of Ms. Chen's Offense And Her History And Characteristics

The Court should impose a sentence of probation based on the nature and circumstances of Ms. Chen's offense and her history and characteristics. Probation found that "[Ms.] Chen did not lead, supervise or man[a]ge any other criminal participants." *See* PSR, page 10. And while the government claimed during Ms. Chen's plea hearing that she had a proprietary interest in the schemes, the government ultimately abandoned this argument. *See* Plea Transcript, February 26, 2024, page 11, line 14 to page 16, line 1 (Exhibit 1).

1. Ms. Chen had no prior criminal record, presents a low risk of recidivism, and is no threat to anyone

Prior to her conviction, Ms. Chen was a law-abiding American. This case has been her only contact with the criminal justice system.

In voluntarily surrendering herself twice to case agents and pleading guilty to the instant offense, Ms. Chen has accepted responsibility for her actions. *See* PSR, pages 10 and 13. Ms. Chen has attended all her court appearances in the past three years and has been fully cooperative with the judicial process. Probation found no information indicating that Ms. Chen impeded or obstructed justice. *See* PSR, page 12.

Considering Ms. Chen's lack of criminal history and her compliance with the court process throughout the entirety of the case, her risk of recidivism is low. Due to her minimal risk of re-offense, we ask the Court to sentence Ms. Chen to probation. Probation will allow Ms. Chen to stay with her family and continue living the law-abiding life she has led since her arrest. Ms. Chen's family has been highly supportive of her throughout this process, as evidenced by the constant presence of Ms. Chen's nephew, Andrew Gee, who has acted as a Cantonese translator for Ms. Chen and has attended almost every one of Ms. Chen's court appearances. Further, Ms. Chen's brother-in-law (and Andrew's father), David Gee, answered questions before multiple magistrate judges and acted as a surety for bonds set at \$500,000 and \$1,000,000.

In practical terms, a longer sentence would be financially wasteful. Federal prisons are funded with taxpayer dollars, and, according to the Federal Register, it costs the United States over \$42,000 a year to house a single inmate.¹ By contrast,

¹ *Annual Determination of Average Cost of Incarceration Fee (COIF)*. Available at <https://www.federalregister.gov/documents/2023/09/22/2023-20585/annual-determination-of->

losing Ms. Chen to prison would cost her community more.

A carceral sentence for Ms. Chen, convicted of a non-violent crime, would be unnecessary. Instead, a probation period for Ms. Chen could be made meaningful through a substantial number of community service hours this Court sees fit, which matches Ms. Chen's good moral character. Ms. Su Man Tan, Ms. Chen's patient and friend of over twenty years, can attest to Ms. Chen's kind nature, desire to help others, and capacity for growth.

I earnestly request that [the Court] consider her good deeds and her selfless contributions to society when sentencing, giving her an opportunity to reform and continue using her kindness and professionalism to help more people. I believe she will learn from this mistake and become a better person, making more contributions to society in the future.

Ms. Su Man Tan Support Letter (Exhibit 2).

2. Ms. Chen showed her respect for the judicial process in that she hired new counsel after learning that her prior counsel did not properly advise her—resulting in the withdrawal of her original plea and a plea to this indictment;

Ms. Chen initially pled guilty to charges under docket 21 cr. 494 on October 13, 2021. However, upon learning that her plea was invalid, because her prior attorney did not properly advise her, Ms. Chen reached back out to the Court so that the judicial process could be pursued justly. She withdrew her original plea and ultimately entered a new plea to this indictment. Ms. Chen chose to do this at the expense of hiring new legal counsel and making additional appearances in court. Her choice is a testament to her respect for the American legal system.

[average-cost-of-incarceration-fee-coif](#). FEDERAL REGISTER, September 22, 2023. Last visited, June 27, 2024.

B. Under §3553(a)(2) Probation Sufficiently 1) Reflects The Seriousness Of The Offense, Promotes Respect For The Law, And Provides Just Punishment For The Offense; 2) Affords Adequate Deterrence To Others Similarly Situated; 3) Protects The Public From Further Crimes By Ms. Chen; And 4) Provides Ms. Chen With The Needed Correctional Treatment—Time With Her Family And Support Network

- 1. Ms. Chen faced undue hardship, including childhood abuse; despite this, Ms. Chen, with the exception of her involvement here, led a law-abiding life, and continues to lead a law-abiding life while providing for her children**

Ms. Chen was born in China in 1974 during the country's "one child" policy. Ms. Chen was the second, or "extra" child. As a result, she was sent to live with her paternal grandmother in a small village away from her parents. She lived with her grandmother until she was 12, seeing her parents about once a year. *See* PSR, page 14.

When Ms. Chen was reunited with her immediate family, she was subject to the abuse of her father, a former military man who ran his home as though it were an army base. Ms. Chen's father forced her to keep her hair short and wear boy's clothes, because he was angry at not having a son. He subjected her to military-like punishments, such as tying her wrists together with rope and hanging her from the ceiling of the family's den. In another instance, when Ms. Chen's mother tried to divorce him, he threatened to kill both her and their children. *See* PSR, page 14.

The severe emotional turmoil of the household in which Ms. Chen was raised led her to exhaust every opportunity that would help her two children avoid the same turmoil. Ms. Meili Huang, a registered nurse and Ms. Chen's friend and mentee of 18 years, wrote that Ms. Chen confessed to Ms. Huang about her maternal worries.

I understand Ms. Chen as women and as a mother. Ms. Chen, a single mother of two children, has to carry all the heavy duty of finance, work, health, education, etc. on her shoulder. She would often shed tears, sigh inadvertently and ask herself: if I am sick, who will take care of the children? If I am unemployed, can my child go to a good college? If I'm dead, whom my children can rely on? But

when she faced her children, she was firm, gentle, and loving were all written on her face!

Ms. Meili Huang Support Letter (Exhibit 3).

Isaac Liu, age 22, is Ms. Chen's first child. He studies dentistry at the State University of New York at Buffalo and wrote about the continual sacrifices his mother made to provide for him and his half-sister.

Despite how little money we had, my mom would always ensure to provide us the best possible education she could. As I think back more and more, my mom truly gave up everything for us. To ensure we had a bright future, she enrolled us in various after-school tutoring sessions and summer camps, never missing a single one. She always hoped that through hard work and education, we could change our destiny and realize our dreams. I don't think I ever remember a time where I was denied an opportunity to better myself. [...] Now, I am a student at dental school, working hard at my studies in hopes of becoming a dentist. This achievement is a testament to my mother's unwavering support and sacrifices. Now that I am older and more mature, I am acutely aware of how much she has endured and given for our growth and well-being.

Isaac Liu Support Letter (Exhibit 4).

Betty Chen is Ms. Chen's niece and a New York City public middle school math teacher. Betty, like Isaac, thoroughly admires Ms. Chen's devotion to her children.

[S]he puts all her effort into supporting her children. All she has done is for the benefit of her children. While her workplace is in Brooklyn, she moved to Long Island for better education, again for her children. She could have easily commuted about a 15 minute walk to work, but now it's approximately a 2 hour drive one-way depending on traffic. From the lack of sleep due to stress and the painful diseases, she eventually developed insomnia causing her many sleepless nights. It is evident that all her sufferings

are done for the benefits of her children. Being a teacher, I somewhat understand the energy and stamina that is needed to look after adolescents. She is an extremely hard worker who strives to keep her family happy and healthy. She really deserves the respect and high regard that I have for her.

Betty Gee Support Letter (Exhibit 5)

2. Ms. Chen has been consistently employed

After immigrating to the United States in 1997, Ms. Chen sought to continue her work as a registered nurse, a position she held in China. She was unable to pass the licensing exam, however, due to a language barrier. *See* Ms. Chia Kiaw Ngo Support Letter (Exhibit 6). Undeterred, Ms. Chen began work as a medical assistant at a clinic, with a starting salary of \$6 an hour. *See* PSR, page 17. Ms. Chen continued her education through the Allen School for her phlebotomist license in 1999 and the Stuart School of Technology for her medical assistant license in 2021. *See* PSR, page 16. Consistently employed for over twenty-six years, her wage was raised to \$30 an hour by 2021. *See* PSR, page 17.

Though Ms. Chen was unemployed for a short time following her arrest, she found interim employment as a cashier at a supermarket before finding a new position in which she could continue leveraging her skills as a medical assistant. *See* Ms. Chen's Personal Statement (Exhibit 7B).

3. Ms. Chen is a dedicated single mother and primary caretaker to her 20-year-old, pregnant daughter, Beverly, who suffers from a severe mental health disorder—Probation has written that the Court can consider this fact as a downward departure basis—we ask the Court to do so

Ms. Chen's second child, Beverly Liu, is now 20. Beverly's father abandoned Ms. Chen during the pregnancy. Beverly recently withdrew from her studies in international relations at Stonybrook University. Since childhood, Beverly has suffered from "serious mental health issues," namely depression. *See* PSR, page 20. Beverly experiences extreme emotional mood swings triggered by being left alone. So whether it's Ms. Chen leaving the home to buy groceries or go to the courthouse, Beverly has a tantrum. One of the times that Ms. Chen left, Beverly got pregnant.

Ms. Chen is primarily responsible for her daughter's care. Though Beverly has seen a therapist since middle school, she is not at a point where she can support herself. *See* PSR, page 16. Ms. Chen's day-to-day responsibilities are occupied by making meals for her daughter and accompanying her daughter to OB-GYN appointments. Beverly has been psychiatrically hospitalized three times, in 2021, 2022, and 2024. In 2024, Beverly attempted suicide while pregnant. *See* PSR, page 16 and PSR Addendum, page 1. After Beverly's last visit to the hospital, doctors and social workers recommended that Ms. Chen stay home and watch Beverly full-time. Incarceration would end Ms. Chen's ability to continue caring for Beverly and would entail excessive hardships for Beverly and her soon-to-be born child.

Probation wrote specifically that "If Your Honor views the family situation as extraordinary, pursuant to Policy Statement 5H1.6, the Court may consider a downward departure as being warranted." *See* PSR, page 20. We ask the Court to do so.

4. Ms. Chen herself suffers from several physical and mental health conditions which could not be adequately treated while incarcerated

In 2003, Ms. Chen was diagnosed with lupus and rheumatoid arthritis, two incurable autoimmune diseases. She also suffers from thyroid disease, chronic insomnia, high cholesterol, major depressive disorder, and general anxiety disorder. *See* PSR, page 16 and PSR Addendum, page 1. Though Ms. Chen is prescribed twelve drugs to treat these conditions and their side effects, they continue to impact her quality of life. *See* PSR Addendum, page 1. For example, Ms. Chen was fired from her interim employment at a supermarket because the cold winter weather caused pain in her joints and prevented her from bagging groceries efficiently.

If the Court sentences Ms. Chen to incarceration, she wouldn't receive adequate treatment for her physical and mental health conditions, particularly concerning her history of suicidal attempts. Ms. Chen has attempted suicide twice. *See* PSR, page 15. Ms. Chen has worked with her therapist to combat her suicidal ideations. Removing Ms. Chen from her support network of medical professionals, family, and friends, risks unraveling the tapestry of her life.

Suicide accounted for over half of federal inmate deaths in Federal Bureau of Prisons institutions in 2024. The Department of Justice's own evaluation of issues surrounding inmate deaths highlights that, "[Bureau of Prisons] staff did not always communicate to Psychology Services or Health Services psychiatry staff known concerns about inmates who later died by suicide, which limited the ability of these

clinical staff to see or potentially treat the inmates.”² The DOJ’s findings present a real concern for Ms. Chen’s welfare if she were to be incarcerated.

5. Ms. Chen uses her healthcare background, along with her natural compassion, to help many

Despite—and even because of—Ms. Chen’s health conditions, she remains committed to helping as a medical professional. Ms. JingJing Li, Ms. Chen’s childhood friend since elementary school, recalled a time when Ms. Chen, who is known as “Maggie,” confided in Ms. Li about her career ambitions.

The disease severely affects her quality of life, making her restless, depressed, and anxious, requiring sleeping pills every day to fall asleep. However, Maggie has not let this get her down. Instead, she is even more attentive to caring for patients. She told me, “Because of my illness, I can better understand the helplessness and pain of patients. They all hope to receive respect and care from medical staff, and I will do my best to help every patient.” So, whenever Maggie walks in the Chinese community, many people warmly greet her, hug her, and it’s easy to see how beloved she is as a healthcare worker!

Ms. JingJing Li Support Letter (Exhibit 8).

As a medical assistant, Ms. Chen became well known in her Brooklyn neighborhood for her careful bedside manner. Eight of Ms. Chen’s former colleagues and students attested to her eagerness to go above and beyond at work:

Maggie earned patients’ praise for her exceptional phlebotomy skills. In one instance, a patient who struggled with obesity-related vein issues, would only come to the clinic when Maggie was working, confident in her ability to draw blood in a single attempt, sparing him repeated

² *Evaluation of Issues Surrounding Inmate Deaths in Federal Bureau of Prisons Institutions*. Available at <https://oig.justice.gov/reports/evaluation-issues-surrounding-inmate-deaths-federal-bureau-prisons-institutions>.

U.S. DEPARTMENT OF JUSTICE OFFICE OF THE INSPECTOR GENERAL, February 15, 2024. Last visited, June 27, 2024.

needle pricks. He even wrote a commendation letter to express his gratitude.

Maggie prepared diapers for patients undergoing long infusions, alleviating their worry about bathroom needs. She also provided soft blankets to ensure their warmth and comfort. When dealing with deaf or non-English-speaking patients, Maggie would slow her speech, use simple words and body language to minimize their confusion and anxiety.

Former Colleagues and Students Support Letter (Exhibit 9).

Mr. Dong Qun Chen, a physician assistant and Ms. Chen's friend and mentee, wrote that, throughout his childhood and adolescence, Ms. Chen served as his inspiration for pursuing a medical career and giving back to the community.

Maggie Chen has always been an upstanding character in our community. I was fortunate enough to have Ms. Chen as a medical provider since I was a child. Throughout my childhood, she has always been there for me and my family, especially when my grandfather underwent cervical decompression surgery. As a teenager, Ms. Chen served as a role model that I strived to become and sparked my interest in pursuing a medical career. After achieving some success in the medical field as an adult, she taught me the importance of contributing back to the community that has nurtured me throughout my life. Ms. Chen is both a good friend and an irreplaceable mentoring figure.

Mr. Dong Qun Chen Support Letter (Exhibit 10).

Among family and friends, Ms. Chen also extended offers of informal medical assistance. Betty, Ms. Chen's niece, recalled several instances in which Ms. Chen leveraged her skills as a medical assistant to help others, such as when Ms. Chen gave stitches to Betty's then-3-year-old brother, Carter, (now 11), after he injured his head. *See Betty Gee Support Letter (Exhibit 13).* Carter wrote his own handwritten letter in support.

I have known my aunt (Jian Ai Chen) for 11 years. My

aunt likes to help me with my medicales (sic) issues, like if I am not feeling well she helps by giving me medicine and making sure I take the right medicine. At recess I ran into a rock wall and my aunt had to stitch it back up. My aunt is a very nice person to me...

Carter Gee Support Letter (Exhibit 11).

Betty and Carter are not alone; nearly all of Ms. Chen's family and friends who wrote support letters recall instances of when Ms. Chen volunteered her medical assistance to those in need.

6. Ms. Chen's work as a healthcare professional led her to help many others during the Covid-19 pandemic, including supporting the first Covid-19 testing center at the New York Stock Exchange

In 2019 and 2020, Ms. Chen's vigilance as a staff supervisor at a medical clinic helped keep their workplace and surrounding community safe during an unprecedented time of emergency. Ms. Meili Huang, who worked under Ms. Chen throughout the pandemic, testifies to her professionalism.

As a medical profession and manager, Ms. Chen has taken the lead. With her reserve of professional knowledge, she organizes nurses for Covid-19 prevention learning session, Standard Operation procedure and medical staff protocol are in place with step by step instruction. Masks, face shields, gloves, protective caps, isolation gowns were ordered/purchased when the outbreak was happening in Wuhan, China, and Ms. Chen also lead the nurses to handmade protection gears since a lot of the orders were being back ordered. Contaminated area, semi-contaminated area, and clean area were clearly marked and divided in the clinic. Disinfectant spray and UV disinfection light were all in place and standby to ensure all staff can working at a virus free place and all patients who came and seeking for help can be treated properly. We have zero nurse being infected on the job since the beginning of the pandemic! And this is cannot be achieved without Ms. Chen's professional instruction and the

responsibility she beared.

Ms. Meili Huang Support Letter (Exhibit 3).

Andrew Gee, Ms. Chen's nephew, recalls an instance in which Ms. Chen exceeded what was required of her to help a patient in need.

Her compassion and dedication extend beyond the hospital walls, as she often goes above and beyond to ensure her patients receive the care and support, they need, regardless of their circumstances. I recall vividly that she had a patient who is a great grandmother ill with covid that lived alone in a basement apartment. The patient's children and grandchildren had already moved out of state with no one to care for her. My aunt and I, along with my brother went grocery shopping, and went to the church to pick up blankets and toiletries to bring to the patient's house. Maggie has inspired me to finally choose my career in hospitality where I find every day fulfilling.

Andrew Gee Support Letter (Exhibit 12).

Ms. Su Man Tan, Ms. Chen's patient of over twenty years, was a first-hand beneficiary of Ms. Chen's exceptional care during the pandemic.

On December 7, 2020, my entire family contracted COVID-19 and was confined at home, unable to go out for essential medications and food, putting us into a dire situation. My husband has a slight intellectual disability, my father-in-law had passed away, my mother-in-law is elderly, and my son is still a minor. As the head of the household, I felt helpless and desperate. In my darkest time, Ms. Chen lent her hand out once again.

Despite the risk of infection to herself, she chose to help us without expecting any reward or recognition. She brought us much-needed medicine and food, her kindness and selflessness profoundly touching me and my family. It was her assistance that helped us through the toughest times and see hope again.

Ms. Su Man Tan Support Letter (Exhibit 12).

Notably, Ms. Chen joined Somos Community Care's volunteer team to establish the first virus testing center at the New York Stock Exchange.³ "Somos Community Care is the largest non-profit community organization in New York State, comprising over 3,200 healthcare providers serving 1.5 million patients." *See* Dr. Henry Chen Support Letter (Exhibit 13).

Dr. Henry Chen, president of Somos Community Care, has worked with Ms. Chen for 26 years and wrote in support of Ms. Chen based on her extraordinary contributions.

On the night of March 15, 2020, faced with urgent testing needs, I decided to organize a volunteer team for virus testing. I called Maggie around 9 p.m., asking her to form a team by 5 a.m. the very next day. Despite the tight deadline, she immediately sprang into action, organizing volunteers, collecting medical masks and other protective equipment, and training the team on the proper use of personal protective equipment. She managed to lead the team to the meeting point on time, thereby ensuring the smooth execution of the testing. Although she could not personally participate in the testing activities due to her lupus, which compromises her immune system, she provided crucial behind-the-scenes support and coordination, including handling contaminants and preparing medical supplies. Her hard work was key to our mission's success. Our collective efforts helped New York City avoid a large-scale community outbreak, earning our volunteer team gratitude and recognition from various sectors.

Dr. Henry Chen Support Letter (Exhibit 13).

Ms. Chen's exceptional efforts as a healthcare professional came as no

³ *Doctors descend on Wall Street to screen NYSE workers.* Available at <https://www.crainnewyork.com/coronavirus/doctors-descend-wall-street-screen-nyse-workers>. CRAIN'S NEW YORK BUSINESS, March 18, 2020. Last visited, June 27, 2024.

surprise to Ms. Jillian Li, a phlebotomist who taught Ms. Chen when she was a medical student in China. She wrote that she has long been impressed by Ms. Chen's intelligence and "shining personality which was demonstrated with her always helping her classmates and assisting teachers in class." *See* Ms. Jillian Li Support Letter (Exhibit 14). Ms. Li recalled a moment during the pandemic when she was particularly moved by Ms. Chen's giving nature.

[D]uring the COVID-19 pandemic, I was always worried about virus and she was always the one who encouraged me to stay on the front lines to serve and help our community. I still remember her always saying "We work in doctor - patients services, The risk always exists. It is necessary for the society and individuals to stick to the duty to help and to save lives during this time." She has been my rock through the darkest times and continues to motivate me to push forth in my life.

Ms. Jillian Li Support Letter (Exhibit 14).

7. Ms. Chen's impact on her community is demonstrated by the 14 attached support letters

Ms. Chen's care for others is not restricted to her profession. Instead, it extends to a variety of volunteering choices, lending itself to learning new responsibilities and skills.

Beyond her medical volunteering, Ms. Chen has drawn from her experiences as a naturalized American citizen to help many recent immigrants adjust to their lives in America. Ms. Chen's cousin, Mr. Rui Ming Wu, wrote that Ms. Chen's familiar guidance during the 2000s, when his family had just immigrated to the United States, ultimately made possible his 17-year-long career with the U.S. Naval Submarine Department—"the true American dream."

When I was young, my father passed away unexpectedly. This left our family in shambles. Our family had no money for my siblings to go to school. Upon knowing the distress of my family, Maggie started to send us money to help support us financially. Encouraging my sister and I to continue to our studies, because with a good education we would be able to strive for a better future. My family

immigrated to the U.S in 2000 with no knowledge of the culture, and aspects of our new life. My mother went through many hardships coming to a new country with my sister and I. We are very fortunate to have Maggie's help. She showed us where to apply for medical insurance, How to apply for admissions into schooling, and helped my mother find a job. With her help, life has gradually became stable. Since then,I have joined the U.S. Navy as an aviation maintenance administrator. I am able to live happy days and raise 3 children in a free country. My sister has also graduated from Staten Island college and found a wonderful career, accomplishing the true American dream. I appreciate and am truly thankful for the life I currently have, which can mostly be accredited to the help from my cousin Maggie. She is generous, compassionate and tolerant. Without her help up to this point, we may not have the joyous life we currently have.

Mr. Rui Ming Wu Support Letter (Exhibit 15).

Ms. Chen's friend of over two decades, Ms. Chia Kiaw Ngo, explains the passion with which Ms. Chen nurtured a sense of community spirit as founder of the New Immigrant Parents Mutual Aid Association:

Notably, when [Ms. Chen] realized that many new immigrant parents faced difficulties with school transportation for their children due to long work hours, she voluntarily organized a rotation schedule. She efficiently arranged for parent volunteers to ensure that every child could get to and from school safely, solving a major problem for these families. Her selfless actions have earned unanimous praise from the community.

Ms. Chia Kiaw Ngo Support Letter (Exhibit 6).

Ms. Chen's good deeds have remained consistent, as testified by the support letter written by her former colleagues and students.

Maggie is kind-hearted and often engaged in charitable acts. We and Maggie together participated in fundraising

activities for events such as the May 12, 2008 Wenchuan earthquake in China and the March 11, 2011 tsunami in Japan. Notably, after the tragic death of NYPD Officer Liu Wenjian on December 20, 2014, Maggie organized a fundraising campaign for his elderly parents and newlywed wife. She not only donated generously but also led colleagues and patients in contributing, successfully delivering the funds to Liu's family for financial and emotional support.

Many elderly patients, while awaiting their children's immigration to the U.S., live in difficult conditions, some picking up cans or foraging for food, even living in containers. Maggie, understanding their plight, regularly collected cans, leftover fruits, food from the lunchroom, and old clothes to give to these patients. One such recipient, Chen Yu Yan, was the most frequent beneficiary of Maggie's kindness. After her two sons immigrated to the U.S., they came to the clinic specifically to thank us. Maggie's actions not only helped these elderly individuals but also warmed their families' hearts.

Former Colleagues and Students Support Letter (Exhibit 9).

Since the instant offense, Ms. Chen has spent four hours a week volunteering at a senior center leading elderly people in singing and dancing lessons, recommending healthy lifestyle habits, and having conversations with this isolated population. She also donated \$200 to cancer patients. Again and again, Ms. Chen has proven to be a person who is generous, trustworthy, and consistently serves others.

Though Ms. Chen's family and friends were all surprised to learn of the instant offense, they affirmed through their 14 support letters that the offense did not change their positive impression of her character.

Mr. Rui Ming Wu, Ms. Chen's cousin and an aviation maintenance administrator with the U.S. Navy, wrote:

When I learned that Maggie had broken the law, I was shocked and heart broken. After I talked with her in detail,

Maggie understands that she was wrong. She is now studying and working hard, and in September this year she renewed her medical assistant license. She wants to apply her skills to repay the government's loss through hard work. I sincerely ask judge to recognize what Maggie has done as a single mother to give her children a stable life, and know her determination to correct her criminal behavior. I implore your honor to be merciful upon sentencing Maggie and give her a chance to be a new person!

Mr. Rui Ming Wu Support Letter (Exhibit 15).

Ms. Meili Huang, Ms. Chen's friend and mentee of 18 years, writes:

Your Honour. Miss Chen confessed to me that she had made a huge mistake and expressed her deep regret. She has bravely faced herself and tried her best to overcome the shadow of her own heart and recognized her past and contribute the welfare of society, such as volunteer work and help the elderly and others to solve their problems in need, etc. I urge that your Honor will give Miss Chen a chance to help her turn this unbearable page, move on again and return to society! Miss Chen is a good supervisor, a good colleague, and a good mother to her children! My God bless America and us all! May the Lord hear and pity Miss Chen, stay healthy and safe!

Ms. Meili Huang Support Letter (Exhibit 3).

Ms. Su Man Tan, Ms. Chen's patient of over twenty years, adds:

I understand that Ms. Chen is guilty of healthcare fraud and kickback offenses, which are illegal acts. I do not defend her wrongdoing. I simply hope to show her selfless acts during the pandemic, and ask you to consider these actions when passing judgment.

[...]

I recognize the seriousness and fairness of the law and acknowledge that crimes must be punished accordingly.

However, I also believe that the law can reflect humanity and compassion. Everyone makes mistakes, and the key is whether one can reform and return to the right path after punishment. I believe Ms. Chen is a good person, and her actions during the pandemic have proven this.

Indeed, Ms. Chen has no shortage of family and friends who would be deeply affected by her absence.

8. Ms. Chen has demonstrated significant remorse since her conviction

Those close to Ms. Chen have observed a change in her demeanor since her conviction. Ms. Chen's sister, Jian Wei Chen, wrote the following.

[My sister] has acknowledged her mistake and is actively working to reform herself. Under the guidance of a psychologist, she reflects deeply on her actions, striving to become a contributing member of both her family and society.

Since her involvement in medical fraud, she has come to realize the significant harm her actions cause to society. She deeply regrets her reckless behavior and is committed to using her experience to caution others against similar mistakes.

Ms. Jian Wei Chen Personal Statement (Exhibit 16).

Upon reflection, Ms. Chen is deeply remorseful for her actions. Ms. Chen expresses this sentiment herself.

My actions resulted in financial losses for the country, tarnished the reputation of the healthcare insurance system, and destroyed the good reputation I had built over more than twenty years of service in the community clinic. As a result, I lost my beloved job, became the first criminal in my family's history, and brought great shame to my family. I feel deeply ashamed for failing to set a good example for my children, feeling unworthy of being a mother. I feel guilty, unable to sleep, often shedding tears, feeling too

ashamed to face the patients, family, friends, and colleagues who once trusted me. I deeply regret my unjust behavior.

[...]

I found a glimmer of hope in the darkness: a new life is about to come, my daughter's child, which will become my future motivation. I am determined to educate my grandson or granddaughter to be an upstanding citizen.

[...]

I am willing to use all my existing assets to compensate for the country's losses and work hard in the future to earn money to repay my debts, to prove my sincerity and remorse.

Ms. Jian Ai Chen Letter (Exhibit 7B).

9. A non-carceral probation sentence will provide sufficient deterrence

Ms. Chen's case has appeared in *Patch*, *Newsday*, and *BK Reader*.^{4 5 6} Moreover, in the Chinese Brooklyn neighborhoods where similar pharmacy kickback schemes have been run, the extensive coverage of Ms. Chen and her codefendants' scheme by the local Chinese-language media affords adequate deterrence to others similarly situated.

Since news stories came out following Ms. Chen's arrest, she has been extrajudicially punished by some as her neighborhood's social pariah. Ms. Chen struggles to go out to restaurants to eat, as others who recognize her from her employment at a well-known and well-respected clinic have publicly judged her and talked badly about her.

As such, sentencing Ms. Chen to probation will afford sufficient deterrence to

⁴ *Syosset Medical Assistant Charged In \$5M Health Care Kickback Scheme*. Available at <https://patch.com/new-york/syosset/syosset-woman-charged-health-care-fraud-scheme>. PATCH, June 29, 2023. Last visited, June 27, 2024.

⁵ *Jian Ai Chen of Syosset charged in alleged \$101 million Medicare and Medicaid fraud scheme, feds say*. Available at <https://www.newsday.com/long-island/crime/medicaid-medicare-fraud-scheme-jian-ai-chen-mz4jgs52>. NEWSDAY, June 28, 2023. Last visited, June 27, 2024.

⁶ *US Attorney Announces 2 Local Arrests in National Health Care Fraud Case*. Available at <https://www.bkreader.com/policy-government/us-attorney-announces-2-local-arrests-in-national-health-care-fraud-case-7209899>. BK READER, July 5, 2023. Last visited, June 27, 2024.

others.

CONCLUSION

For the foregoing reasons, the Court should sentence Ms. Chen to probation.
Thank you.

Dated: June 28, 2024
New York, NY

Respectfully submitted,

Varghese & Associates, P.C.

/s/

By: Vinoo P. Varghese

Counsel for Ms. Jian Ai Chen

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

23 cr. 255 (HG)

JIAN AI CHEN

Defendant.

EXHIBIT LIST

1. Plea Transcript
2. Ms. Su Man Tan Support Letter
3. Ms. Meili Huang Support Letter
4. Mr. Isaac Liu Support Letter
5. Ms. Betty Gee Support Letter
6. Ms. Chia Kiaw Ngo Support Letter
7. Ms. Jian Ai Chen Personal Statement
 - A. Jian Ai Chen Personal Statement (Chinese)
 - B. Jian Ai Chen Personal Statement (English)
8. Ms. JingJing Li Support Letter
9. Former Colleagues and Students Support Letter
10. Mr. Dong Qun Chen Support Letter
11. Mr. Carter Gee Support Letter
12. Mr. Andrew Gee Support Letter
13. Dr. Henry Chen Support Letter
14. Ms. Jillian Li Support Letter
15. Rui Ming Wu Support Letter
16. Jian Wei Chen Support Letter